

## Owner-builder certificates of consent

This fact sheet explains changes to issuing owner-builder certificates of consent that apply from 1 September 2016 .

### THE CHANGES

From 1 September 2016, the Victorian Building Authority (VBA) in considering an application for a certificate of consent, must be satisfied, amongst other things, that the owner-builder applicant:

- has the knowledge of the duties and responsibilities of an owner-builder
- has not, in the past five years, been issued with a building permit allowing them to carry out domestic building work on land owned by the applicant or a related body other than in relation to a Class 10 building that is ancillary to the dwelling on the land to which the application relates
- is not seeking to carry out domestic building work on land they co-own or previously co-owned with a person, who in the past five years has been issued with a building permit allowing that person to carry out domestic building work on the co-owned land other than in relation to a Class 10 building that is ancillary to the dwelling on the land to which the application relates.

The above changes will have the effect that the VBA will be restricted under sections 25E(1)(e)(f) and (g) of the *Building Act* 1993 (the Act) to issuing a new certificate of consent to an owner-builder once every five years – an increase from the current three year period. An exception is where an applicant is applying for a certificate of consent for the same home, for example, if they are undertaking multiple extensions on their home.

Currently, a certificate of consent expires three years after its date of issue. From 1 September

2016, certificates will expire 12 months from when they are issued if they are not used to obtain a building permit. If a building permit is obtained, then the certificate of consent will expire on the date the building permit lapses.

Further, the VBA must refuse to issue a certificate of consent if satisfied the applicant has, at any time, entered into a contract to sell a building they have constructed without obtaining the insurance required by the Act.

### WHAT THE CHANGES MEAN

#### Owner-builders

Owner-builders undertaking building work valued at over \$16,000 must have a certificate of consent issued by the VBA.

Owner-builders will be restricted to obtaining a certificate of consent once every five years in respect of more than one home and must possess the required knowledge of the duties and responsibilities of an owner-builder.

Once a certificate of consent has been issued, an owner-builder has 12 months to use the certificate to obtain a building permit.

The VBA recommends that an owner-builder obtain a certificate of consent before they engage and sign a contract with a building practitioner to ensure the owner-builder can proceed under the contract.

Owner-builders should also be aware that:

- the VBA may carry out inspections of owner-builder sites
- from 1 September 2016, certain information held on the owner-builder register in relation to certificates of consent issued will be made publicly accessible on the VBA website. More

information about the register is available in the **Owner-builder public register fact sheet**.

## Building surveyors

Building surveyors should check that an owner-builder's certificate of consent has not expired before issuing a building permit.

## WHAT KNOWLEDGE IS REQUIRED?

In order to assess whether an applicant for a certificate of consent possesses the required knowledge of the duties and responsibilities of an owner-builder, they will be required to undertake an online assessment before making an application for a certificate of consent.

A 100% pass mark is required in order for an applicant to demonstrate the required knowledge of the duties and responsibilities of an owner-builder.

The owner-builder online assessment will be accessible via the VBA website at [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

There is no fee for undertaking the online assessment.

A user will be able to save their progress as they complete the assessment and return to it at a later date. If a user answers a question incorrectly they will be unable to re-attempt that question for 24 hours.

An applicant for a certificate of consent must be the same person that successfully completes the online assessment.

Results from the online assessment will be sent to the VBA and the applicant. Depending on whether they successfully pass the assessment, the applicant will be advised of next steps.

The VBA will undertake audits to ensure the person undertaking the online assessment is the same person as the applicant for a certificate of consent. This will involve contacting the applicant and asking them a series of questions

to confirm they personally completed the assessment.

The assessment will need to be completed and successfully passed each time a certificate of consent is required. An exception applies if the applicant has already successfully completed the assessment within the previous 12 months.

## What are the topics for assessment?

The online assessment will be structured thematically with the number of questions per topic varying depending upon the level of complexity.

The assessment will take approximately 100 minutes to complete.

Topics that could be included for assessment are set out below:

- **Building permits:** This topic would assist an applicant to acquire knowledge about their obligation to have a building permit in place before undertaking any building work and obligations in respect of complying with the permit. This topic will also cover applying to a municipal or private building surveyor to obtain a building permit.
- **Inspections and certification of building work:** This topic would assist an applicant to acquire knowledge about the obligation to ensure that building work is inspected and certified at relevant stages throughout a project.
- **Entering into a major domestic building contract:** This topic would assist an applicant to acquire knowledge about when they can and cannot enter into a major domestic building contract.
- **Engaging a registered building practitioner:** This topic would assist an applicant to acquire knowledge about their obligations to engage registered practitioners as well as

- ensuring they are authorised to perform that type of work.
- **Planning and preparing for building:** This topic would assist an applicant to acquire knowledge about their responsibility to make a plan and financial budget by considering timing and order of work, engaging relevant trades and considering specific risks.
  - **Understanding Plans:** This topic would assist an applicant to acquire knowledge about their responsibility to be able to interpret plans, drawings and specifications and setting out and preparing the site according to plans and specifications.
  - **Protection works:** This topic would assist an applicant to acquire knowledge about their obligation to ensure compliance with any protection work requirements in respect of adjoining properties.
  - **Site and worker safety:** This topic would assist an applicant to acquire knowledge about their obligations to ensure the safety of their site and workers, including having a safety plan and carrying out site safety inductions. Some owner-builders will need to undertake Construction Induction Training, sometimes known as 'White Card Training' and provide evidence to the VBA of undertaking this training to satisfy this knowledge requirement. Other owner-builders (who do not need to obtain a Construction Induction Training Card), will be required to answer questions as part of the online assessment.
  - **Ensuring competency and compliance:** This topic would assist an applicant to acquire knowledge about engaging licensed tradespersons such as plumbers and electricians; and supervising and ensuring building work complies with certain standards under Victorian building laws and environmental protection laws.
  - **Defective and incomplete building work:** This topic would assist an applicant to acquire knowledge about their obligation to fix any faults or defects in the building work.
  - **Resolving disputes:** This topic would assist an applicant to acquire knowledge about how disputes involving building work can be resolved under the Domestic Building Contracts Act 1994.
  - **Selling an owner-builder home:** This topic would assist an applicant to acquire knowledge about their obligations if they sell their owner-built home. This includes the requirement to have necessary insurance in place and an understanding of warranties implied in a contract of sale for an owner-built home.
  - **Liability:** This topic would assist an applicant to acquire knowledge about their obligations in respect of obtaining insurance to cover all liabilities in respect to the building work and site, including, but not limited to personal injury, hazards (such as fire and storm damage), theft, public risk and accidents.

### Want to know more?

Please [submit an enquiry](#) or call us on 1300 815 127.

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